

REMARKS

I. Matter Pertaining to Election/Restrictions

The Examiner indicated that the application contains Claim 3 drawn to a nonelected invention, and request cancellation of this claim with the instant reply. Applicants have duly cancelled Claim 3 as requested. Claims 1 and 4 are pending after this cancellation is entered and are subject to the instant rejection.

II. The Rejection of Claims 1 and 4 under 35 USC 102(b) or in the alternative 35 USC 103(a) as unpatentable over EP 0,488,335

The Examiner maintained that the above referenced claims are anticipated by or obvious over EP 0,488,335 and for reasons of record. The Examiner did not consider as persuasive Applicants' previous arguments relative to EP '335, indicating that although the reference contains a graft modified alpha-olefin polymer, as an impact modifier it is not precluded from Applicants' claims which include "consisting essentially of" transition language.

In response thereto, Applicants respectfully submit that by carefully selecting the "consisting essentially of" language, Applicants thereby avoid this reference which includes significant amounts (ca. apparently 9-44 weight percent based on the weight of the aromatic polyamide) of the graft modified alpha-olefin polymer. It is not automatic that incorporation of the graft modified alpha-olefin polymer at such high levels would not affect the basic characteristics of the invention as claimed by Applicants.

III The Rejection of Claims 1 and 4 under 35 USC 102(b) or in the alternative 35 USC 103(a) as unpatentable over US 6,291,633

The Examiner maintained that the above referenced claims are anticipated by or obvious over US '633 and for reasons of record. The Examiner

likewise did not consider persuasive Applicants' previous arguments relative to US '633, indicating that Applicants' argument advanced earlier pertaining to distinctions based on weight ratios of aromatic and aliphatic polyamides were not well taken.

In response thereto, while Applicants continue to assert that the weight ratio distinction has merit, nevertheless there are difficulties associated with the priority dates associated with US '633 which make it ineligible as a reference as applied. The reference was filed in the US, dated January 7, 2000 and claimed priority to a Japanese patent application filed on January 8, 1999, all of which culminated in an issued patent dated September 18, 2001. However the present application was filed in the US on March 1, 2000 and claimed priority to an earlier PCT application (filed September 30, 1998) which in turn claimed priority to a Japanese patent application filed on September 30, 1997. Applicants respectfully submit that in view thereof, US '633 is not a proper reference as applied in this case.

IV The Rejection of Claims 1 and 4 under 35 USC 103(a) as unpatentable over EP 0,580,387

Finally, the Examiner maintained that the above referenced claims are obvious over EP '387 and for reasons of record. As with the other references, the Examiner did not consider as persuasive Applicants' previous arguments relative to EP '387, indicating that although the reference contains an aromatic diamine, Applicants' claim language directed to "a diamine component of an aliphatic diamine" does not preclude the additional presence of an aromatic diamine.

To accommodate the Examiner's concern regarding whether or not aromatic diamines are precluded, Applicants have made a small change to Claim 1 to clarify that the diamines useful in component (A) herein may only be aliphatic diamines. As such, the distinction over this reference based on the type of diamine used is now better substantiated. Further, EP '387 makes no reference to welding or the use of aromatic diacids, which are key features of Applicants' invention. Applicants respectfully submit that these distinctions taken altogether suggest that the instant invention is not obvious in view of the teachings of EP '387, and Applicants respectfully requests withdrawal of this rejection.

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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